

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

EDDIE LEE BROWN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO.: 2:16-cv-90

(Case No. 2:99-cr-55)

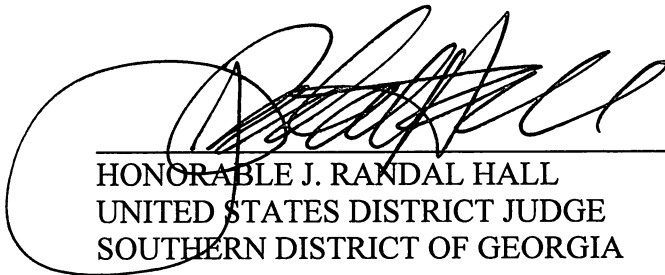
**ORDER**

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 4), to which Eddie Lee Brown ("Brown") filed Objections, (doc. 6). The Court notes Brown's contention that he has filed an application with the Eleventh Circuit Court of Appeals for permission to pursue a second or successive 28 U.S.C. § 2255 motion. In conjunction with that application, Brown has filed a Motion to Stay in this Court requesting that the Court hold this proceeding in abeyance while the Eleventh Circuit decides whether to authorize a second or successive Section 2255 motion. (Doc. 5.) However, Brown was required to obtain the Eleventh Circuit's authorization *before* filing a second or successive § 2255 petition. Anderson v. United States, No. CV116-080, 2016 WL 3620776, at \*4 (S.D. Ga, June 29, 2016) (citing Phillips v. Henry, No. 3:15CV255/RV/CJK, 2015 WL 9918675, at \*2 (N.D. Fla. Dec. 15, 2015), *report and recommendation adopted*, No. 3:15CV255/RV/CJK, 2016 WL 309821 (N.D. Fla. Jan. 25, 2016)). Brown's failure to receive authorization before filing this petition requires dismissal, and the Court, therefore, denies Petitioner's request to hold the petition in abeyance. Id.

As to Brown's Objections to the Magistrate Judge's Report and Recommendation, he merely reasserts the claims he made in his Motion. Those arguments are not responsive to the Magistrate Judge's Report and Recommendation. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **OVERRULES** Brown's Objections.

The Court **DISMISSES** Brown's Motion, **DENIES** Brown's Motion to Stay, **DENIES** Brown leave to proceed *in forma pauperis* on appeal, and **DENIES** Brown a Certificate of Appealability. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

**SO ORDERED**, this 18<sup>th</sup> day of July, 2016.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA